

REMARKS

In response to the final Office Action mailed March 26, 2007, Applicants have amended claims 1, 10 and 11. Claim 15 has been canceled and new claim 102 has been added. Support for the above amendments may be found throughout the specification as originally filed, for example at page 33, lines 24-28. No new matter has been added. The above amendments are not to be construed as acquiescence to the Examiner's stated grounds for rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application. Following the amendments, claims 1, 3, 4, 8, 10, 11, 14, 16-25, 39-68, 94-102 are pending in the application, with claims 1, 10, 11, 14, 18 and 102 under examination. Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 10 and 15 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly not satisfying the enablement requirements. According to the Examiner, the specification, while being enabling for a cell adhesion modulating agent that consists essentially of a linear peptide having the amino acids sequence of SEQ ID NO: 2, does not reasonably provide enablement for any N-terminal or C-terminal modification, as recited in claim 10, or for a cell adhesion modulating agent that further comprises any CAR sequence other than SEQ ID NO: 2, as recited in claim 15.

By the above amendment, for purposes of clarity and to advance prosecution, claim 15 has been canceled and claims 10 and 11 have been amended to specify that the amino acid sequence consisting essentially of Arg-Trp-Ala-Pro-Ile-Pro (SEQ ID NO: 2) is C-terminal carboxylate esterified or amidated, or is N-terminal acetylated, respectively. Applicants submit that such modifications are well known in the art and, in addition, are specifically described in the application as filed (e.g., page 66, lines 15-26). Applicants further submit that the skilled artisan would reasonably expect the same or similar activity of a modulating agent of the invention, with or without one or more of these specifically claimed modifications. In addition, it is certainly not undue experimentation for a skilled artisan to confirm, if desired, that one or

more of the particular modifications now claimed have no adverse effect on biological activity. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1 and 10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 97/10258 or WO 94/21809.

According to the Examiner, a linear peptide “*having*” the amino acid sequence of SEQ ID NO: 2, in claims 1 and 10 is open ended and concludes on this basis that the claims read on the prior art sequences described in the cited references.

Applicants respectfully traverse this rejection. By the above amendment, for purposes of clarity and to advance prosecution, claim 1 has been amended by removing the term “*having*.” As neither WO 97/10258 nor WO 94/21809 teaches a modulating agent as presently claimed, consisting essentially of the amino acid sequence Arg-Trp-Ala-Pro-Ile-Pro (SEQ ID NO: 2), this basis for rejection has been removed. Reconsideration is requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 10 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over WO 97/10258 or WO 94/21809, each in view of U.S. Patent No. 5,455,228. According to the Examiner, it would have been obvious to one skilled in the art to N-acetylate a polypeptide of WO 97/10258 or WO 94/21809, as allegedly taught by U.S. Patent No. 5,455,228.

Claims 1 and 14 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over WO 97/10258 or WO 94/21809, each in view of U.S. Patent No. 6,936,587. According to the Examiner, it would have been obvious to one skilled in the art to link a polypeptide of WO 97/10258 or WO 94/21809, to a solid support, as allegedly taught by U.S. Patent No. 6,936,587.

Claims 1 and 18 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over WO 97/10258 or WO 94/21809, each in view of U.S. Patent No. 6,713,450. According to the Examiner, it would have been obvious to one skilled in the art to formulate a polypeptide of WO 97/10258 or WO 94/21809, with a pharmaceutically acceptable carrier, as allegedly taught by U.S. Patent No. 6,713,450.

Applicants traverse this rejection. For reasons discussed above, neither WO 97/10258 nor WO 94/21809 teaches a modulating agent as presently claimed, consisting essentially of the amino acid sequence Arg-Trp-Ala-Pro-Ile-Pro (SEQ ID NO: 2). Further, the secondary references cited by the Examiner in the context of the above rejections under 35 U.S.C. § 103(a), fail to remedy the deficiencies of the primary references, as these secondary references also offer nothing of substance in relation to a peptide modulating agent consisting essentially of the amino acid sequence Arg-Trp-Ala-Pro-Ile-Pro (SEQ ID NO: 2). The cited references, either alone or taken in combination, fail to teach or suggest the elements as claimed and, accordingly, fail to render obvious Applicants' claimed invention. Reconsideration is respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

/Jeffrey Hundley/
Jeffrey Hundley, Ph.D., Patent Agent
Registration No. 42,676

JEH:ms

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

933739_1.DOC